

### SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

# United States Patent Application combined declaration and power of attorney

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **EVENT MANAGEMENT SERVICE IN A SERVICE-ORIENTED**GAMING NETWORK ENVIRONMENT.

The specification of which was filed on March 29, 2004 as application serial no. 10/813,653.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. § 1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

#### No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number

Filing Date

60/458,113

March 27, 2003

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

No such claim for priority is being made at this time.

Filing Date: March 29, 2004

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

#### Customer Number: 21186

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary. Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402

Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor num	iber 1: Christopher W. Blackburn		
Citizenship:	· United States of America	Residence: Reno,	$\mathbf{NV}$
Post Office Address:	2965 Fairwood Drive		
	Reno, NV 89502		
Signature: Mrshyli	ch. Black	Date:	7/14/04
/ Chris	stopher W. Blackburn		
		•	<u> </u>

 $\underline{X}$  Additional inventors are being named on separately numbered sheets, attached hereto.

Signature:Rory L. Block	
	Date:
Full Name of joint inventor number 3 : Chih-Hui Jan Citizenship: China Post Office Address: 6314 Moon Ridge Terrace Reno, NV 89523	Residence: Reno, NV
Signature: Chih-Hui Jan	Date:
Full Name of joint inventor number 4 : James P. Simmermon Citizenship: United States of America Post Office Address: 4458 HighPlaines Drive Reno, NV 89503 Signature: James P. Simmermon	Residence: Reno, NV  Date:
Full Name of joint inventor number 5: Thomas A. Gentles Citizenship: United States of America Post Office Address: 735 Braewood Drive Algonomin, IL 60102	Residence: Algonquin, IL
Signature:	Date: 7.17.64
Full Name of joint inventor number 6: Vikram Swamy Citizenship: India Post Office Address: 4615 N. Beacon Street Apt. 3 Chicago, IL 60640	Residence: Chicago, IL
Signature:Vikram Swamy	Date:

Full Name of joint inventor number 7:

Terry D. Warkentin

Citizenship:

**United States of America** 72 - 101 Conestoga Drive

Residence: Carson City, NV

Post Office Address:

Carson City, NV 89706

Signature: \_

Terry D. Warkentin

#### § 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
  - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
  - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application:
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **EVENT MANAGEMENT SERVICE IN A SERVICE-ORIENTED GAMING NETWORK ENVIRONMENT**.

The specification of which was filed on March 29, 2004 as application serial no. 10/813,653.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. § 1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

#### No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

**Application Number** 60/458,113

Filing Date

March 27, 2003

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

No such claim for priority is being made at this time.

Filing Date: March 29, 2004

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Customer Number: 21186

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary. Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402

Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1: Christopher W. Blackburn
Citizenship: United States of America Residence: Reno, NV
Post Office Address: 2965 Fairwood Drive

Signature:	Christopher W. Blackburn	Date:	

 $\underline{X}$  Additional inventors are being named on separately numbered sheets, attached hereto.

Reno, NV 89502

Rory L. Block  Full Name of joint inventor number 3: China Residence: Reno, NV  Post Office Address: 6314 Moon Ridge Terrace Reno, NV 89523  Signature: Date:  Chih-Hui Jan  Date:  Chih-Hui Jan  Date:  Chih-Hui Jan  Full Name of joint inventor number 4: James P. Simmermon Clitzenship: United States of America 4458 HighPlaines Drive Reno, NV 89503  Signature: James P. Simmermon  Date: 7/15/20-5/4  Full Name of joint inventor number 5: Thomas A. Gentles Clitzenship: United States of America 735 Braewood Drive Algonquin, IL 60102  Signature: Date: Thomas A. Gentles  Full Name of joint inventor number 6: Vikram Swamv Clitzenship: India Residence: Chicago, IL Post Office Address: 4615 N. Beacon Street Apt. 3 Chicago, IL 60640	Full Name of joint inventor m Citizenship: Post Office Address:	umber 2: Rory L. Block United States of America 1640 E. Guffey Drive Carson City, NV 89704	Residence: Carson City, NV
Full Name of joint inventor number 3: Chih-Hui Jan Citizenship: China Post Office Address: 6314 Moon Ridge Terrace Reno, NV 89523  Signature: Date:  Chih-Hui Jan  Chih-Hui Jan  Chih-Hui Jan  Date:  Chih-Hui Jan  Chih-Hui Jan  Full Name of joint inventor number 4: James P. Simmermon Citizenship: United States of America A458 HighPlaines Drive Reno, NV 89503  Signature: James P. Simmermon  Full Name of joint inventor number 5: Thomas A. Gentles Citizenship: United States of America A15 Braewood Drive A1gonquin, IL 60102  Signature: Date:  Thomas A. Gentles  Full Name of joint inventor number 6: Vikram Swamy India Post Office Address: 4615 N. Beacon Street Apt. 3 Chicago, IL 60640  Residence: Reno, NV  Residence: Reno, NV  Residence: Reno, NV  Residence: Algonquin, IL  Residence: Chicago, IL  Residence: Chicago, IL	Signature:Ro	ory L. Block	Date:
China Residence: Reno, NV Post Office Address: 6314 Moon Ridge Terrace Reno, NV 89523  Signature:			
Post Office Address:  6314 Moon Ridge Terrace Reno, NV 89523  Date:  Chih-Hui Jan  Chih-Hui Jan  Chih-Hui Jan  Date:  Chih-Hui Jan  Chih-Hui Jan  Chih-Hui Jan  Chih-Hui Jan  Chih-Hui Jan  Post Office Address:  James P. Simmermon  Residence: Reno, NV  Address:  Ads HighPlaines Drive Reno, NV 89503  Chitzenship:  United States of America Residence: Algonquin, IL  Chitzenship:  United States of America Algonquin, IL 60102  Chitzenship:  Thomas A. Gentles  Chitzenship:  Residence: Chicago, IL  Residence: Chicago, IL  Chicago, IL 60640	Full Name of joint inventor n		
Full Name of joint inventor number 4: James P. Simmermon Citizenship: United States of America Post Office Address: 4458 HighPlaines Drive Reno, NV 89503  Date: 715/005/  Full Name of joint inventor number 5: Thomas A. Gentles Citizenship: United States of America Post Office Address: 735 Braewood Drive Algonquin, IL 60102  Signature: Date:  Thomas A. Gentles  Full Name of joint inventor number 6: Vikram Swamy Citizenship: India Post Office Address: 4615 N. Beacon Street Apt. 3 Chicago, IL 60640  Residence: Reno, NV  Residence: Chicago, IL  Residence: Algonquin, IL  Residence: Chicago, IL  Residence: Chicago, IL		6314 Moon Ridge Terrace	Residence: Reno, NV
Full Name of joint inventor number 4: James P. Simmermon Citizenship: United States of America 4458 HighPlaines Drive Reno, NV 89503  Signature: James P. Simmermon  Full Name of joint inventor number 5: Thomas A. Gentles Citizenship: United States of America Post Office Address: 735 Braewood Drive Algonquin, IL 60102  Signature: Date:  Thomas A. Gentles  Full Name of joint inventor number 6: Vikram Swamy Citizenship: India Post Office Address: 4615 N. Beacon Street Apt. 3 Chicago, IL 60640	Signature:		Date:
Citizenship:  Post Office Address:    Value	Ch	ih-Hui Jan	
Citizenship: United States of America Residence: Algonquin, IL  Post Office Address: 735 Braewood Drive Algonquin, IL 60102  Signature: Date:  Thomas A. Gentles  Full Name of joint inventor number 6: Vikram Swamy Citizenship: India Residence: Chicago, IL  Post Office Address: 4615 N. Beacon Street Apt. 3 Chicago, IL 60640	Citizenship: Post Office Address: Signature:	United States of America 4458 HighPlaines Drive Reno, NV 89503	
Thomas A. Gentles  Full Name of joint inventor number 6: Vikram Swamy  Citizenship: India Residence: Chicago, IL  Post Office Address: 4615 N. Beacon Street  Apt. 3  Chicago, IL 60640	Citizenship:	United States of America 735 Braewood Drive	Residence: Algonquin, IL
Full Name of joint inventor number 6: Vikram Swamy  Citizenship: India Residence: Chicago, IL  Post Office Address: 4615 N. Beacon Street  Apt. 3  Chicago, IL 60640	Signature:		Date:
Citizenship:  Post Office Address:  Apt. 3  Chicago, IL 60640	111	omas A. Gentles	······································
	Citizenship:	India 4615 N. Beacon Street Apt. 3	Residence: Chicago, IL
Vikram Swamy	Signature:		Date:

Full Name of joint inventor nun	nber 7: Terry D. Warkentin		
Citizenship:	United States of America	Residence: Carson City, NV	
Post Office Address:	72 - 101 Conestoga Drive		
	Carson City, NV 89706		
Signature:		Date:	
Terr	D. Warkentin		-

Filing Date: March 29, 2004

#### § 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent-was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
  - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
  - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application:
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



# SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

# United States Patent Application COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **EVENT MANAGEMENT SERVICE IN A SERVICE-ORIENTED**GAMING NETWORK ENVIRONMENT.

The specification of which was filed on March 29, 2004 as application serial no. 10/813,653.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. § 1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

## No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number

Filing Date
March 27, 2003

60/458,113

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

No such claim for priority is being made at this time.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Customer Number: 21186

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please-direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402

Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor nun	nber 1: Christopher W. Blackbur	<u>n</u>	
Citizenship:	United States of America	Residence: Reno, NV	
Post Office Address:	2965 Fairwood Drive		
	Reno, NV 89502		
Signature:		Date:	
	stopher W. Blackburn		
			<del></del>

X Additional inventors are being named on separately numbered sheets, attached hereto.

Attorney Docket No.: 1842.017US1 Serial No. 10/813,653 Filing Date: March 29, 2004 Full Name of joint inventor number 2: Rory L. Block Citizenship: **United States of America** Residence: Carson City, NV Post Office Address: 1640 E. Guffey Drive Carson City, NV 89704 Date: 7 - /4 - 2004Rory L. Block Full Name of joint inventor number 3: Chih-Hui Jan Residence: Reno, NV Citizenship: China 4220 Desert Highlands Dr, CJ Sparks, NV 89436 -6314 Moon Ridge Terrace Post Office Address: -Reno, NV 89523 Jan Date: 7/14/2004 Full Name of joint inventor number 4: James P. Simmermon **United States of America** Citizenship: Residence: Reno, NV Post Office Address: 4458 HighPlaines Drive Reno, NV 89503 Signature: \_\_\_\_\_\_ James P. Simmermon Date: Full Name of joint inventor number 5: Thomas A. Gentles Citizenship: **United States of America** Residence: Algonquin, IL Post Office Address: 735 Braewood Drive Algonquin, IL 60102 Signature: \_\_\_\_\_ Thomas A. Gentles Date:

Full Name of joint inventor number 6:

Vikram Swamy

Citizenship:
Post Office Address:

India

4615 N. Beacon Street

Apt. 3

Chicago, IL 60640

Signature: Vikram Swamy

Date: 7 19 04

Residence: Chicago, IL

Filing Date: March 29, 2004			
	Carson City, NV 89706		
Signature:		Date:	
	Terry D. Warkentin		
			<del></del> _

§ 1.56 Duty to disclose information material to patentability.

A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
  - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application:
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.